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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/763,049 | 02/16/2001 | Janine Morgens Strang | 7253/VB | 2701 |

27752 7590 04/06/2006

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

BOYER, CHARLES I

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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1751

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,049

Applicant(s)

STRANG ET AL.

Examiner

Charles I. Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to applicants' response received January 19, 2006.

Claims 18-23 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al, US 5,746,776 in view of Siklosi et al, US 5,547,476.

Smith et al teach a dry cleaning kit for in-dryer use comprising a containment bag containing an interior surface which is impregnated with an effective amount of a dry cleaning composition (see abstract). The bag may have multiple layers, the outermost being a vapor impermeable barrier and the inner layers having the dry cleaning composition absorbed thereto (col. 10, claim 1). The dry cleaning compositions comprise as much as 95% water, as much as 32% organic solvent, and as little as 1% nonionic surfactant (col. 10, claims 1-3). Suitable organic solvents of the invention include C2-C4 diols and ethylene glycol (col. 5, lines 51-60). It would have been obvious to one of ordinary skill in the art to use a diol or ethylene glycol as the organic solvent in the dry cleaning compositions of Smith et al as such solvents are taught as preferred in their compositions.

Smith et al do not specifically teach properties such as substrate surface area and amount of composition absorbed on the substrate. Siklosi et al teach a dryer sheet impregnated with solvents and water for use in a containment bag dry cleaning process (see abstract). The dryer sheet contains an absorbent core enveloped within a lint resistant fabric (col. 6, lines 15-20). The dryer sheet has a surface area of 625 square centimeters and is impregnated with 23 grams of a solvent/water/surfactant composition (col. 7, lines 55-65). Note that the dryer sheets may be composed of hydroentangled fabric (col. 9, lines 20-21).

Based on the teachings of Siklosi et al, it would have been obvious to one of ordinary skill in the art to use a dryer sheet with the dimensions and amount of composition taught by Siklosi et al in the dry cleaning process of Smith et al.

Applicants have traversed this rejection on the grounds that there is no motivation to combine these references based on the huge discrepancy between the surface areas of the dryer sheets. The examiner points out that Siklosi et al are relied upon only to demonstrate that dryer sheets having a surface area within the presently claimed range are well known in the art. It is the examiner's contention that the sizes of dryer sheets and the amount of cleaning composition impregnated thereon are an obvious design choice to one of ordinary skill in the art. It is obvious to one of ordinary skill in the art not to use too little composition, as that would make for ineffective cleaning, and not to use too much, as that might result in unwanted residues and would not be cost effective. The amount of cleaning solution desired and the size of the containment bag itself will dictate the dimensions of the dryer sheet. Perhaps the

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containment bag is designed for heavily soiled fabric, which would require greater amounts of cleaning composition, and so, a large dryer sheet. Or similarly, a lightly soiled fabric would require less cleaning composition, and so, a smaller dryer sheet. In any case, one of ordinary skill would be confident in the amount of cleaning composition that should be applied, and it follows, would know how big to make the dryer sheet, depending on the physical limitations of the containment bag, and the needs of the consumer. Accordingly, the examiner maintains that the surface area of the dryer sheet cannot be the basis for patentability, and the rejection is maintained.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles I Boyer
Primary Examiner
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